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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,128	02/27/2002	Marc Bavant	IVEN126099	3367
52531	7590	06/29/2006	EXAMINER	
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC			BLOUNT, STEVEN	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			2616	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,128

Applicant(s)

BAVANT ET AL.

Examiner

Steven Blount

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 - 16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The present application appears to be a translation of a foreign patent application, and has many 112 second paragraph problems in the claims, all of which must be corrected by the applicant. A few illustrative examples follow:

In claim 1, line 1, “several users A, B” is indefinite because it is unclear if there are only two “several” users, or more (see also claim 11). In line 4, “such as a cell” is indefinite (see also claim 11). In line 9, “and/or” is indefinite for obvious reasons. In line 10, the examiner notes that listing the identifier “steps...” is not per se indefinite, but it is when used in the alternative as done here. Also, the examiner has consulted the specification with regard to these “steps” and does not see how they correspond to what is apparently trying to be claimed.

In claim 5, “a step” is mentioned in line one, but it is unclear if the steps listed below are alternatives, or “the step”.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 8, 10 – 11, and 15 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6061354 to Morikawa et al.

With regard to claim 1, Morikawa et al teach, in an ATM system, extracting packets from a low bit rate artery (see fig. 1A and 1B and col 1 line 3 and col 1 line 60) and inserting them into the cells of another ATM channel, as described in col 2 lines 4+ and col 4 lines 60+. Although it is not stated that the ATM channel utilizes a virtual circuit, the examiner takes Official Notice that ATM channels are set up as virtual channels, and notes that it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a virtual channel to transmit the data in light of this Official Notice taken.

With regard to claim 2 multiplexing the data is discussed in col 2 lines 3+.

With regard to claim 3, see the discussion of "virtual circuits" above.

With regard to claim 5, the packet is formed out of a fixed number of frames and signaling data.

With regard to claims 4 and 6, the examiner takes Official Notice that AAL1 is well known for carrying ATM data such as what is claimed.

With regard to claim 7, the connection of the packets is determined in col 6 lines 50+.

With regard to claim 8, the data is extracted and checked before insertion.

With regard to claim 10, the examiner notes that voice would be an obvious low data rate connection to be transported in Morikawa, and is mentioned in the references cited portion.

With regard to claim 11, see the discussion above and multiplexers 207.

With regard to claim 15, the multiplexer 207 is upstream of the "low bit artery".

With regard to claim 16, note that ATM is used.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6061354 to Morikawa et al as applied above, and further in view of U.S. patent 6590909 to Stacey et al.

Morikawa et al teaches the invention as described above, but does not teach the use of a UUI field to provide error checking. This is taught in Stacey et al. See fig 6. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Morikawa et al with error checking via the use of UUI in light of the teachings of Stacey in order to provide for a secure channel.

6. Claims 12 - 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6061354 to Morikawa et al as applied above, and further in view of U.S. patent 5,724,354 to Tremel et al.

Morikawa et al teaches the invention as described above, but does not teach the use of a shuffler. This is taught, in an ATM system, in Tremel. See figure 5, member 400. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Morikawa et al with a shuffler in light of the teachings of Tremel et al in order to provide a more efficient switch of the cells.

With regard to claim 13, the examiner takes Official Notice that AAL2 is well known in the art.

With regard to claim 14, see the discussion of the multiplexer above and note that the process would be obvious to apply to any intended-use packets including CPS.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571-272-7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB

6/21/06


WELLINGTON CHIN
-ERVISORY PATENT EXAMINER